

**Shoreline Substantial Development Permit and  
Conditional Use Permit Application – Supplemental Information  
Taylor Shellfish – Oakland Bay Floating Oyster Farm**

**I. Overview**

This memorandum supplements the Shoreline Substantial Development and Conditional Use Permit (SHR2023-00003) application materials (including the JARPA application, SEPA Checklist, Habitat Management Plan (Confluence Environmental Co., Sep. 2022), Conditional Use Permit narrative, and Consistency Analysis submitted by Taylor Shellfish to install and operate a floating oyster bag cultivation system in Oakland Bay (“Proposal”). The purpose of this memorandum is to provide additional information and analysis demonstrating the Proposal satisfies recent inquiries regarding public access.

**II. Proposal Description**

The Proposal is for the installation and operation of a floating oyster bag cultivation system on two subtidal parcels (32015-22-22222 and 32016-22-22222) owned by the Washington Department of Natural Resources (DNR) in Oakland Bay. The full lease boundary is identified under WADNR lease # 20-104436 and covers 50 acres (the “Site”). However, the Proposal’s gear will only occupy a minor portion—approximately 9.1 acres—of the Site. *See* Figure A, attached.

The Proposal’s oyster bags will be stocked with seed oysters to increase capacity and relieve pressure on the nearby Oakland Bay Floating Upweller System (FLUPSY). Seed oysters planted in the Proposal’s bags will be secured from Taylor Shellfish’s Oakland Bay FLUPSY or from the company’s onshore nursery facility. Some of the Proposal’s oysters may be transferred to other Taylor Shellfish farm locations for further grow-out until they are ready for harvest, and some of the Proposal’s oysters may remain in the oyster bags at the Site until they are harvested and delivered to market.

The Proposal’s system will include a series of bags used to cultivate oysters. Bags are made from ultraviolet (UV)-resistant, high-density polyethylene (HDPE) mesh and measure a maximum of 48 inches by 48 inches. Oyster bags will be arranged in a set of double-rows oriented in a northeast-southwest direction. Each row of bags will be secured by a headline that runs for approximately 1,800 feet. There will be approximately 30 feet of space in between each double-row of bags to allow for access to the floating bags. Each bag is constructed with an integrated floating device to ensure the bags remain on the water’s surface, and an additional float will be located at the end of each double-row of bags. Each end-line float will be secured to an anchor, and an additional anchor may be used near the center of each double-row. Once fully built out, there will be a total of 28 double-rows, and a total of 60-90 anchors.<sup>1</sup>

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<sup>1</sup> Additional information regarding the installation, maintenance, and operation of the proposed oyster farm is provided in referenced project documents referenced in Section I, above.

### **III. The Proposal Complies with Public Access Provisions of the SMP**

Previous review of the Proposal concluded that the Proposal satisfies all criteria for Substantial Development Permit issuance, as set forth in MCC 17.50.400(c)(3)(A)(ii). Additional analysis is provided here addressing the public access provisions of the SMP.

The Mason County SMP defines public access as “the ability of the general public or, in some cases, a specific community, to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.” MCC 17.50.020

The SMP requires public access to be provided for certain projects and expresses a preference for providing on-site, physical access to the shoreline. *See* MCC 17.50.140(b)(3) (authorizing alternatives to such access in limited circumstances). The amount of provided public access is to be commensurate with the anticipated impact of a project and consistent with all relevant constitutional and other legal limitations. MCC 17.50.140(a),(b)(17).

### **IV. The Proposal Will Have a Minor Impact on Public Access.**

The Proposal will have, at most, a minor impact on public access. As illustrated in Figure A, the Proposal will not impede access to the shoreline, nor will it impact the public’s ability to access recreation or navigation opportunities within Oakland Bay. The Proposal is located over 1,000 feet from all neighboring upland areas, facilitating travel and recreation through and within Oakland Bay.

The Proposal’s impact to public access will consist of limiting boaters from travelling on areas of water occupied by the approximately 9.1 acres of gear, along with minor additional area around the gear accounting for a safety factor.

Based on the company’s experience operating a similar farm in British Columbia, boaters easily and safely navigate and recreate in the areas of water provided between rows of floating oyster bags. In fact, many boaters are attracted to Taylor Shellfish’s British Columbia oyster bag farm and enjoy viewing the farm and discussing it with company employees. Taylor Shellfish employees who operate the nearby farm in Chapman Cove similarly report increased public interest and use in areas containing oyster bag cultivation systems. In this regard, the Proposal itself provides a recreational amenity that serves to offset any potential negative impact associated with the Proposal occupying a relatively small area of the water with Oakland Bay.

Because boaters can easily and safely navigate in between the Proposal’s oyster bags, the Proposal is not expected to adversely impact boaters traveling north or south in Oakland Bay. However, even if boaters did not choose to travel in between the Proposal’s rows of oyster bags, they could still easily travel north and south through the Bay as the Proposal is sited over 1,000 feet from each shoreline. Similarly, individuals traveling west or east Oakland Bay at the location of the Proposal would still be able to do so, although they would need to spend some additional time navigating to the north or south depending on their destination.

The limited restrictions associated with the Proposal described directly above are not expected to impact a large segment of the public. Oakland Bay is in a rural location and is known for its industrial, rather than recreational, activities. Mason County Shoreline Inventory and Characterization Report (“Shoreline Inventory”), p. 3-32. Predominant land uses within Oakland Bay generally include residential and vacant lots, as well as agriculture and forestry. *Id.* p. 5-92. Tidelands to the south and east of the Proposal are owned by Taylor Shellfish, and upland uses include a County Park (Sunset View), residential, and undeveloped land. See Figure A. Areas to the north are largely undeveloped, and areas to the west are characterized by rural residential development. In the aquatic environment, “[a]quaculture is a significant resource and important economic driver in Mason County,” with a mix of both large and small companies operating in Oakland Bay, including Taylor Shellfish. *Id.* Further:

Public access is available to tidelands mostly managed by WDFW. Mason County manages several community parks along both Hammersley Inlet and Oakland Bay: Jacoby Shorecrest County Park, Walker County Park and Oakland Bay Historical Park (Mason County Department of Parks and Trails, 2006). In addition, there are two public boat launches: one is managed by Taylor Shellfish and WDFW and provides access to Oakland Bay; and a second, Arcadia Boat Launch, is owned by Squaxin Island Tribe and provides access to Hammersley Inlet (Explore Hood Canal, 2011).

*Id.* See also *id.* at 5-94.

Significant recreational activities within Oakland Bay include recreational shellfish harvesting. *Id.* Further, Oakland Bay is identified as a shallow bay that does not provide water depths necessary to accommodate larger boats and is not viable for marina development. *Id.* at 10-22. The closest existing marina is located south of the Proposal Site and within the City of Shelton, near the intersection of Oakland Bay and Hammersley Inlet. Individuals who use this marina typically take their boats east through Hammersley Inlet, which connects to the larger waters and resources of South Puget Sound, rather than north through Oakland Bay. To the extent that boaters use Oakland Bay, such use is primarily concentrated in the southern portion of Oakland Bay, which contains deeper water. Taylor farm managers who have worked in Oakland Bay and Chapman’s Cove for over 10 years report that the use of the Site of the Proposal for recreation is extremely low. Most recreation is from those using kayaks or fishing along the shoreline. The farm manager noted that they get occasional visitors to the existing near bottom bag operations. These visitors were curious regarding the farm operations and have enjoyed speaking with the crews and learning about the system.

Given the rural setting and environmental characteristics of Oakland Bay, along with historical use patterns, the potential public access impact of the Proposal would be limited to some individuals who live near the Site spending additional time to navigate around the Proposal. Comments identifying this impact were raised during the public comment period and are noted. The Proposal would not impact the broader public, which does not frequently use the Site for recreational purposes. Nor would the Proposal adversely impact the most significant recreational activity within Oakland Bay—recreational shellfish harvest. In fact, given some oysters from the Proposal will be harvested for human consumption, the presence of this farm will provide

additional incentives for protecting the water quality within Oakland Bay to ensure cultivated shellfish are safe for consumption. The Proposal's oysters will themselves also help improve water quality through filter feeding. This will help improve the water quality within Oakland Bay generally and positively impact opportunities for recreational shellfish harvest within the bay by helping to ensure the bay remains open for recreational harvesting.

**V. Taylor Is Proposing to Provide Additional Public Access that Will More than Offset Any Minor Impacts from the Proposal.**

While the Proposal may have a limited impact on public access as discussed above, Taylor is proposing to provide additional public access with the Proposal. This additional access will more than offset any minor impacts to public access from the Proposal. The Site of the Proposal is owned by the Washington Department of Natural Resources (DNR), and Taylor will lease the Site from DNR prerequisite to installing and operating the farm. Funds paid from Taylor to DNR from this lease are directed to community grants and projects benefiting state shorelines, habitats and public access through DNR's Aquatic Lands Enhancement Account.

Additionally, Taylor Shellfish owns significant tidelands near the Site that it is willing to make available for public access for the duration of the Proposal. As shown on the attached Figure A, Taylor owns the tidelands in front of many of the homes along the south side of the Proposal and towards Chapman Cove. These tidelands are adjacent to the Mason County Sunset Bluff Park which only extends to the ordinary high water mark (OHWM). Further, the park is currently in disuse, and the public does not have the right to publicly access the shoreline at or near this location in any manner. Taylor Shellfish is willing to formally grant the public the right to access 15 acres of Taylor's tidelands in this area—which extend from OHWM to the extreme low tide line—for the life of the Proposal. See Figure A, Areas 1 and 2. Because the park is currently in disuse, this will provide opportunities for boat-in public access and use of Areas 1 and 2 consistent with the SMP. MCC 17.50.140(b)(12). The public will have the right to access Areas 1 and 2 by kayak or other watercraft and to recreate on the tidelands in a manner that does not disrupt Taylor's farming operations.

Taylor also owns 1.6 tideland acres to the north of the Site in an area that is in between Capitol Land Trust's Bayshore Preserve and lands managed by the Washington Department of Fish and Wildlife. Figure A, Area 3. The public has demonstrated an interest in utilizing Area 3 for public access in the past, with individuals utilizing this area in conjunction with the Bayshore Preserve and WDFW properties. Similar to Areas 1 and 2, Taylor Shellfish has allowed the public to use this property in the past, but the public has no current right of public access on this property. Taylor Shellfish is willing to formally provide the public with the right to access this area for the life of the Proposal to further offset the Project's minor impacts on public access.

Together, the 16.6 acres of formal public access to the shoreline that Taylor is proposing will offset the physical footprint of the Proposal, which is limited to 9.1 acres. And qualitatively, this offset will provide greater public opportunities to access the shorelines compared to any reductions in use caused by the Proposal. *See* Shoreline Inventory at 10-25—10-25.

This offset will also comply with all applicable sections of MCC 17.50.140(b). Among other things, the public access will be compatible with the natural shoreline character, no adverse impacts to shoreline ecological functions or public safety are expected, and connections to public streets are already provided or, in the case of Areas 1 and 2, are not required because the access is for boat-in use only. MCC 17.50.140(b)(8), (11), (12). Taylor recognizes that public access easements and permit conditions shall be recorded prior to installation of the Proposal, and the company will install and maintain signs in conspicuous locations. MCC 17.50.140(b)(14), (15). These signs will notify the public of the right to access the identified areas during daylight hours and advise the public that the access areas are part of Taylor's farming operations, and that cultivated shellfish shall not be removed.

The commitments provided above will more than offset any negative impacts to public access resulting from the Project. Nonetheless, Taylor will also commit to improving public access in Oakland Bay through improvements at the Oakland Bay Marina. The Marina has a 100-year lease with the City of Shelton to operate this facility, with 96 years remaining on the lease term. The Marina currently has applications into the City of Shelton for improvements to the facility, including the launch that is open for public use. Taylor has discussed these improvements with the Marina, and the Marina has a desire for obtaining financial assistance or in-kind services to best meet the Marina's needs. Taylor will commit to continuing to work with the Marina to provide appropriate assistance to the Marina for improvements to the boat launch and/or related facilities, further enhancing opportunities for the public to access and enjoy shorelines within Oakland Bay.

## **VI. Conclusion**

For the reasons set forth above, the Proposal will have a minor impact on public access, which will be self-mitigated by the beneficial water quality and recreational shellfish harvest protections proposed by the Proposal. Any resulting public access impacts will be more than offset by the tidelands that Taylor Shellfish is proposing to make formally available for public access in the area for the life of the Proposal.

# Figure A

**Public Access**

-  Taylor Shellfish Tideland Access
-  State of Washington
-  Capitol Land Trust
-  Mason County
-  OaklandDNR\_Lease\_WGS

- 1 - Access to tidelands / water from Sunset Bluffs Park
- 2 - Access to tidelands / water from Sunset Rd homes
- 3 - Access to tidelands continued from State and CLT lands

